



FL TIG RP2, Gomez Key project change

Michael Tucker - NOAA Federal <michael.tucker@noaa.gov>
To: Christina Fellas <christina.fellas@noaa.gov>
Cc: Eric Vichich - NOAA Federal <eric.vichich@noaa.gov>

Thu, Mar 2, 2023 at 2:02 PM

Dear Ms. Fellas:

This responds to your February 23, 2023, request for streamlined informal consultation with us, the National Marine Fisheries Service (NMFS), pursuant to the process described in the Framework Programmatic Biological Opinion on the Deepwater Horizon Oil Spill Final Programmatic Damage Assessment and Restoration Plan and Final Programmatic Environmental Impact Statement (Framework Programmatic Opinion; SERO-2015-00013; SER-2015-17459) for the Gomez Key Bird Restoration Project from FL TIG RP2. While the subject project has previously completed the streamlined informal consultation process in January, 2021, the project has since been modified and expanded in a manner that may result in effects to listed species that were not analyzed in the previous consultation process. Therefore, we have reassessed the updated project to ensure that it is still not likely to adversely affect ESA-listed species and critical habitat under NMFS' jurisdiction.

As described in the Framework Programmatic Opinion, NMFS evaluated potential effects of several specific restoration activities that have been repeatedly and widely implemented throughout the Gulf of Mexico, and have been the subject of previous ESA Section 7 consultations with NMFS. In that Opinion, we determined that specific restoration actions are not likely to adversely affect NMFS-managed ESA-listed species or their designated critical habitats provided that all applicable Project Design Criteria (PDC) are incorporated into the project design. Based on the project documentation you have provided, NMFS has determined that the proposed Project (1) is made up of a combination of "Oyster Reef Creation and Enhancement", "Construction of Living Shorelines", and "Marsh Creation and Enhancement", as described in Appendix A of the Framework Programmatic Opinion; and (2) fully incorporates all applicable PDCs for all 3 of these restoration activity types (also described in Appendix A of the Framework Programmatic Opinion). We therefore concur, based on the analysis documented in the Framework Programmatic Opinion, that the proposed Gomez Key Bird Restoration Project is not likely to adversely affect ESA-listed species or critical habitat under NMFS' jurisdiction.

This concludes your consultation responsibilities under the ESA for species under NMFS' jurisdiction for the subject project. Consultation must be reinitiated if a take occurs or if new information reveals effects of the action not previously considered, or if the identified action is subsequently modified in a manner that causes an effect to listed species or critical habitat in a manner or to an extent not previously considered, or if a new species is listed or critical habitat designated that may be affected by the identified action. NMFS's findings on the project's potential effects are based on the project description you provided in your February 23, 2023 submission, and your documented commitment to fully implement all applicable PDCs for the 3 restoration activity types, as described in Appendix A of the Framework Programmatic Opinion. Any changes to the proposed action may negate the findings of this consultation and may require reinitiation of consultation with NMFS.

We look forward to further cooperation with you and the Deepwater Horizon Trustee Implementation Groups on future restoration projects. If you have any questions on this consultation, please contact Michael Tucker, Consultation Biologist, at (727) 209-5981, or by email at michael.tucker@noaa.gov.

[Quoted text hidden]

--

Michael Tucker

Endangered Species Biologist
NOAA Fisheries Southeast Region
U.S. Department of Commerce
[727-209-5981](tel:727-209-5981)
<https://www.fisheries.noaa.gov/region/southeast>



FL TIG RP2, Gomez Key project change

Christy Fellas <christina.fellas@noaa.gov>
To: Michael Tucker <michael.tucker@noaa.gov>
Cc: Eric Vichich - NOAA Federal <eric.vichich@noaa.gov>

Thu, Feb 23, 2023 at 4:35 PM

Mike -




The Florida TIG has alerted me to a project change on the Gomez Key bird restoration project from FL TIG RP2. They will be expanding the habitat improvements, types of structures installed and updating breakwater area and location to avoid potential EFH habitat. At the time of FL RP2 the project was approved by you to use the NMFS ESA PDCs. The project changes are still within the PDCs, including the recent updates, so I do not believe there is any additional analysis under ESA to be done. The FL TIG has included your most recent BMP suggestions in the update BE form and will follow all BMPs and PDCs previously discussed during the NMFS ESA consultation in 2021.

I have attached the updated BE form and PDC checklist that incorporate the project changes for your records. And the previous NMFS response (2021) for your reference.

thanks.
Christy

Christy Fellas
NOAA Restoration Center, DWH NRDA Program
Compliance Coordinator/Project Manager
St. Petersburg, FL
Office: 727-551-5714
Google voice: 813-816-2732
christina.fellas@noaa.gov

3 attachments

-  **B1 PDC Form.pdf**
1342K
-  **Response_NMFS_ESA_B1_2021.pdf**
119K
-  **B1 Gomez Key Final BE Form-Revised.docx**
7124K